

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

2. In her application the petitioner also reported that her gross income from employment and dividends was about

\$5,200 a month. Based on this income the Department determined that she was also ineligible for VHAP.<sup>1</sup>

3. The petitioner does not dispute that she owns two parcels of land in Minnesota, neither of which is her primary residence or producing income. She does not dispute the Department's valuation of these parcels (based on tax assessments) to be around \$60,000 combined. She also does not dispute the Department's determination that her gross monthly income is \$3,862 from employment and \$1,335 in dividends.

ORDER

The decision of the Department is affirmed.

REASONS

For Medicaid, the maximum allowable resources for a four-person household is \$3,300. W.A.M. § P-2420C(1). Real property is countable as a resource unless it is used as a "home" or is considered "income producing". §§ M342.1 & M342.3. There is no question in this matter that the petitioner's land in Minnesota is not exempt and that its value far exceeds the program maximum.

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<sup>1</sup> The Department also determined that the petitioner's three children were eligible for Dr. Dynasaur benefits subject to a monthly program fee.

There is no resource test for VHAP. However, under the VHAP regulations all income is included as countable in determining eligibility. W.A.M. 4001.81(c). Deductions are allowed from earned income (a standard amount of \$90) and childcare (up to a maximum of \$175 per child under thirteen). It appears that even if she receives the maximum deductions, the petitioner's gross monthly income (nearly \$5,200) is well in excess of the maximum for eligibility under the VHAP program for a four-person household, which is presently \$3,092 a month. P-2420 B. If applicants have net income above this amount, they cannot be found eligible for benefits under that program. W.A.M. §§ 4001.83 & 4001.84.

Inasmuch as there is no dispute that the Department's decisions in this matter are in accord with its regulations, the Board is bound to uphold them. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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